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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS FILING RELATES TO:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR

**STIPULATION ON SEALING ORDER
RESOLVING DISPUTE REGARDING
PRIVILEGE DETERMINATION IN
CONNECTION WITH DEPOSITION OF
MIKI ROTHSCHILD**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

1 Pursuant to the Court’s Order Resolving Dispute Regarding Privilege Determination in
 2 Connection with Deposition of Miki Rothschild (“Order”) (ECF 1478), Defendants Meta Platforms, Inc.
 3 f/k/a Facebook, Inc.; Facebook Holdings, LLC; Facebook Operations, LLC; Facebook Payments, Inc.;
 4 Facebook Technologies, LLC; Instagram, LLC; and Siculus, Inc. (collectively, “Meta”) and Plaintiffs
 5 submit this Stipulation on Sealing Order Resolving Dispute Regarding Privilege Determination in
 6 Connection with Deposition of Miki Rothschild.

7 The Court ordered the Parties to meet and confer, reach agreement, and file a joint stipulation and
 8 proposed order regarding “which portions of [the] Order can be unredacted.” Order at 12. As elaborated
 9 on below, the Parties agree that the Order itself can be unsealed, except for one redaction of a Meta
 10 employee’s name to protect the employee’s privacy interests. The Parties agree that Meta’s Exhibits A
 11 and C should remain under seal and that Exhibit B may be unsealed except that Meta employees’ names
 12 and email addresses should be redacted—all of which the Court has already ordered sealed or redacted
 13 (and, of course, including privilege redactions that the Court upheld).

14 **First**, the Parties agree that the Order can be unsealed, except for the name of one Meta employee
 15 that appears at page 10, line 25. The Parties’ prior Omnibus Stipulation Regarding Sealing Joint Letter
 16 Brief Regarding Privilege Determination in Connection with Deposition of Miki Rothschild (ECF 1461)
 17 sought to seal that employee’s name in the briefing and exhibits, and the Court granted that request. *See*
 18 ECF 1465 at 2. As that stipulation explained, there is good cause to seal that information. *See, e.g.*,
 19 *Murphy v. Kavo Am. Corp.*, 2012 WL 1497489, at *1 (N.D. Cal. Apr. 27, 2012) (Gonzalez Rogers, J.)
 20 (granting motion to seal “employee-identifying information” because “[e]mployees and former employees
 21 who are not parties to this litigation have privacy interests in their personnel information, and in other
 22 sensitive identifying information”); *see also, e.g.*, *Am. Auto. Ass’n of N. California, Nevada & Utah v.*
 23 *Gen. Motors LLC*, 2019 WL 1206748, at *2 (N.D. Cal. Mar. 14, 2019); *Opperman v. Path, Inc.*, 2017 WL
 24 1036652, at *4 (N.D. Cal. Mar. 17, 2017); *Hunt v. Cont'l Cas. Co.*, 2015 WL 5355398, at *2 (N.D. Cal.
 25 Sept. 14, 2015). Sealing this name is also consistent with the approach the Court took in sealing names
 26 of Meta employees in the Personal Injury Plaintiffs’ Master Complaint and the multistate Attorney
 27 General Complaint. *See* Dkt. 189; Case No. 4:23-cv-05448-YGR, Dkt. 77.

28 **Second**, the Parties are not certain whether the Order required taking a position on further sealing

1 of the three exhibits attached to the Order (as opposed to only the Order itself). Out of an abundance of
 2 caution, the Parties provide their agreed position about sealing those documents.

3 The Parties have already stipulated to seal Meta's Exhibits A (ECF 1478-1) and C (ECF 1478-3),
 4 and the Court granted that request. *See* ECF 1465, 1461 at 2–3. The Parties therefore agree that the
 5 versions of those exhibits that the Court included with the Order should be maintained under seal. As
 6 explained in the prior stipulation and the declaration filed with it, the information contained in those
 7 exhibits is proprietary, confidential, and could cause Meta competitive harm if disclosed. *See* ECF 1461
 8 at 2–3; ECF 1461-2 (declaration). At this procedural posture, there is good cause to seal. *See, e.g., Ctr.*
 9 *for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (even under heightened
 10 compelling-reasons standard, it is appropriate to seal “business information that might harm a litigant’s
 11 competitive standing” (cleaned up)); *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (sealing
 12 “confidential and commercially sensitive information”); *Prescott v. Reckitt Benckiser LLC*, 2023 WL
 13 2465778, at *4 (N.D. Cal. Mar. 9, 2023) (sealing “household penetration rates” and defendant’s “target
 14 consumer demographics”); *Cont'l Auto. Sys., Inc. v. Avanci, LLC*, 2019 WL 6612012, at *4 (N.D. Cal.
 15 Dec. 5, 2019) (sealing “number of customers using Plaintiff’s products”).

16 The Parties have already stipulated to redact the employee names and email addresses in Meta’s
 17 Exhibit B (ECF 1478-2) and the Court granted that request. *See* ECF 1465, 1461 at 4. The Parties agree
 18 that those same redactions should apply to the version of Exhibit B that the Court included with the Order.
 19 *See* ECF 1461 at 4; *supra* page 1. The Parties agree that Exhibit B does not otherwise need to be sealed
 20 or redacted.

21 Documents without privilege redactions were never filed on the docket (and instead were lodged
 22 with the Court for *in camera* review). As a result, unsealing the excerpts redacted for privilege is not at
 23 issue currently.

24 Pursuant to the Court’s Order, the Parties attach versions of the Order and Exhibit B that are
 25 unsealed except for the agreed proposed redactions. The Parties also submit a Proposed Order on this
 26 stipulation.

27 **IT IS SO STIPULATED AND AGREED.**

1 DATED: January 21, 2025

2 Respectfully submitted,

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1 **ATTESTATION**

2 I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence
3 to the filing of this document has been obtained from each signatory hereto.

4 DATED: January 21, 2025

5 By: */s/ Ashley M. Simonsen*
6 Ashley M. Simonsen

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